

**Notice of Allowability**

Application No.

10/587,498

Examiner

Richard M. Rump

Applicant(s)

BENDELE ET AL.

Art Unit

1793

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 January 2010.
2. ☒ The allowed claim(s) is/are 1-8 and 10-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20100316.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Stuart Hendrickson/  
Primary Examiner, Art Unit 1793

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this amendment was made on 16 March 2010 by Salvatore Abbruzzese .

The application has been amended as follows:

Please amend claim 1, line 5 replace "g" with --G--.

Please amend claim 3, lines 3-4 replace "g to 50 g and higher" with --G to 50 G and higher--.

In claim 16, line 7 please replace "g" with --G--.

In claim 18, line 6 please replace "g" with --G--.

In claim 19, line 6 please replace "g" with --G--.

In claim 20, line 4 please replace "g" with --G--.

In claim 21, line 4 please replace "g" with --G--.

In the specification:

Paragraph 21 lines 5-6 please replace " 20 g, in particular above 35 g, more preferably above 40 up to 50 g and higher [natural constant g]" with --20 G, in particular above 35 G, more preferably above 40 up to 50 G and higher [natural constant G]--.

In paragraph 28 line 8, please replace "50 g" with --50 G--.

In paragraph 33 line 6, please replace "50 g" with --50 G--.

In paragraph 33 line 7, please replace both instances of "50 g" with --50 G--.

In paragraph 35 lines 4-5 please replace "35 g, in particular above 40 g and preferably up to 50 g" with --35 G, in particular above 40 G and preferably up to 50 G--.

In paragraph 36 line 7, please replace "35 g" with --35 G--.

In paragraph 36 line 8, please replace "40 g and preferably up to 50 g" with --40 G and preferably up to 50 G--.

The following is an examiner's statement of reasons for allowance: All claims are considered allowable as a tribochemical/high kinetic energy method of producing a phase transformation involving energies of 20 times the force of gravity or more are not disclosed by the prior art of record, taken either alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Rump whose telephone number is (571) 270-5848. The examiner can normally be reached on Monday through Friday 7:00 AM-4:30 PM (-5 GMT).

/R. M. R./  
Examiner, Art Unit 1793

/Stuart Hendrickson/  
Primary Examiner, Art Unit 1793